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BARNES & THORNBURG

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Indianapolis, Indiana 46204
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: unknown

Certificate Under 37 CFR 1.10

Attorney

Docket: 265280-67694

Express Mail Label No.: EM 465 650 006 US

Applicant: Peterson, et al.

Date of Deposit: September 19, 2001

Invention: **Bioerodable Polymeric Adhesives For
Tissue Repair**

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Serial No.: unknown

Joyce D. Hamilton

Typed or Printed Name of Person Mailing Paper or
Fee

Filed: September 19, 2001

Joyce D. Hamilton

Signature of Person Mailing Paper or Fee

Examiner: unknown

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

This statement is filed in the application identified above pursuant to 37 C.F.R. § 1.56. No representation is intended that a complete search has been made of the prior art or that no better art references than listed below are available. The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in §1.56(b).

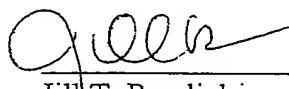
All listed references were cited during prosecution of parent U.S. Application Serial No. 08/633,102 filed April 16, 1996, which is relied upon for an earlier filing date

under 35 U.S.C. § 120. Therefore, copies of the references are not required pursuant to 37 C.F.R. § 1.98(d).

None of the cited art is believed to disclose or suggest the invention recited in the claims of the above-identified application. It is therefore believed that the claimed invention is patentably distinguishable over these references.

Please charge any fees that might be due in connection with this Information Disclosure Statement to our Deposit Account No. 10-0435, with reference to our matter 265280-67694. An extra copy of this Information Disclosure Statement is enclosed for that purpose.

Respectfully submitted,
BARNES & THORNBURG



Jill T. Powlick
Reg. No. 42,088

Indianapolis, Indiana
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INDS02 JTP 404040v1

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 265280-67694	SERIAL NO. Unknown
		APPLICANT Dale R. Peterson et al.	
INFORMATION DISCLOSURE STATEMENT		FILING DATE September 19, 2001	GROUP Unknown

U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	4,157,418	Jun. 5, 1979	Heilmann			
	AB	4,172,934	Oct. 30, 1979	Heilmann			
	AC	4,243,775	Jan. 6, 1981	Rosensaft et al.			
	AD	4,347,234	Aug. 31, 1982	Wahlig et al.			
	AE	4,424,208	Jan. 3, 1984	Wallace et al.			
	AF	4,438,198	Mar. 20, 1984	Schmer			
	AG	4,440,750	Apr. 3, 1984	Glowacki et al.			
	AH	4,595,713	Jun. 17, 1986	St. John			
	AI	4,645,503	Feb. 24, 1987	Lin et al.			
	AJ	4,694,103	Sep. 15, 1987	Krepski et al.			
	AK	4,757,128	Jul. 12, 1988	Domb et al.			

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes No
	AL	92111732.1	13 Jan. 1993	EPO			
	AM	3-45265	Feb. 26, 1991	Japan			
	AN						
	AO						
	AP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Anderson, James M. et al., <i>Poly-α-Amino Acids as Biomedical Polymers</i> , Biocompatibility of Tissue Analogs, Vol. 1, Chapter 4, pages 67-88 (1985).
	AS	Ferguson, David et al., <i>Bovine Bone Morphogenetic Protein (bBMP) Fraction-induced Repair of Craniotomy Defects in the Rhesus Monkey (Macaca speciosa)</i> , Clinical Orthopaedics and Related Research, No. 219, p. 251-258, June 1987.
	AT	Ford, James et al., <i>Pharmaceutical Thermal Analysis</i> , Ellis Howard Books in Biological Science, Chapter 2, John Wiley & Sons, New York (1989).

Examiner	Date Considered
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INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant Dale R. Peterson et al.	
		Filing Date September 19, 2001	Group Unknown

U.S PATENT DOCUMENTS

*Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
BA	4,843,112	Jun. 27, 1989	Gerhart et al.			
BB	4,888,176	Dec. 19, 1989	Langer et al.			
BC	4,902,508	Feb. 20, 1990	Badylak et al.			
BD	4,906,474	Mar. 6, 1990	Langer et al.			
BE	4,956,178	Sep. 11, 1990	Badylak et al.			
BF	5,019,379	May 28, 1991	Domb et al.			
BG	5,085,861	Feb. 4, 1992	Gerhart et al.			
BH	5,133,755	Jul. 28, 1992	Brekke			
BI	5,171,579	Dec. 15, 1992	Ron et al.			
BJ	5,206,341	Apr. 27, 1993	Ibay et al.			
BK	5,286,763	Feb. 15, 1994	Gerhart et al.			

FOREIGN PATENT DOCUMENTS

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BM						
BN						
BO						
BP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

BR	Gerhart, T.N. et al., <i>Antibiotic Release From an Experimental Biodegradable Bone Cement</i> , Journal of Orthopaedic Research, 6:585-592, 1988.
BS	Hollinger, Jeffrey O. et al., <i>Biodegradable Bone Repair Materials</i> , Clinical Orthopaedics and Related Research, No. 207, pages 290-305, (June, 1986).
BT	Hollinger, Jeffrey, <i>Factors for Osseous Repair and Delivery: Part II</i> , J. Craniofac. Surg., 4 (3), pages 135-141, (July 1993).

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U.S PATENT DOCUMENTS

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CA	5,366,508	Nov. 22, 1994	Brekke			
CB	5,464,929	Nov. 7, 1995	Bezwada et al.			
CC	4,637,905	Jan. 20, 1997	Gardner			
CD	4,804,691	Feb. 14, 1989	English et al.			
CE	5,075,115	Dec. 24, 1991	Brine			
CF	5,475,063	Dec. 12, 1995	Kaplan et al.			
CG	5,679,723	Oct. 21, 1997	Cooper et al.			
CH	5,824,333	Oct. 20, 1998	Scopelianos et al.			
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FOREIGN PATENT DOCUMENTS

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CL						Yes No
CM						
CN						
CO						
CP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

CR	Hollinger, Jeffrey O. et al., <i>Osseous Wound Healing with Xenogeneic Bone Implants with a Biodegradable Carrier</i> , Surgery, Vol. 107, No. 1, pages 50-54, January 1990.	
CS	Hotz, G. et al., <i>Bone Substitute With Osteoinductive Biomaterials-Current and Future Clinical Applications</i> , Int. J. of Oral Maxillofacial Surgery, 23:413-417, 1994.	
CT	Kalb, Claudia et al., <i>Hope for Damaged Joints</i> , Newsweek, page 55, January 29, 1996.	

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FOREIGN PATENT DOCUMENTS

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DL						
DM						
DN						
DO						
DP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

DR	Kamegai, Akihide et al., <i>Bone Formation Under the Influence of Bone Morphogenetic Protein/Self-Setting Apatite Cement Composite as a Delivery System</i> , Bio-Medical Materials and Engineering, Vol. 4, No. 4, pp. 291-307, 1994.	
DS	Kenley, Richard A. et al., <i>Biotechnology and Bone Graft Substitutes</i> , <i>Pharmaceutical Research</i> , Vol. 10, No. 10, pages 1393-1401, 1993.	
DT	Kohn, Joachim et al., <i>Polymerization Reactions Involving the Side Chains of α-L-Amino Acids</i> , <i>J. Am. Chem. Soc.</i> , 109 pages 817-820, 1987.	

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U.S PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

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EL						
EM						
EN						
EO						
EP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

ER	Kulkarni, R.K. et al., <i>Polylactic Acid for Surgical Implants</i> , Arch Surg. Vol. 93, pages 839-843, Nov. 1966.	
	Kulkarni, R.K. et al., <i>Biodegradable Poly(lactic acid) Polymers</i> , J. Biomed. Mater. Res., Vol. 5 pages 169-181, 1971.	
ES	Lane, Joseph M. et al., <i>Current Approaches to Experimental Bone Grafting</i> , Orthop. Clin. North Am. 18(2), pages 213-225, April 1987.	

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U.S PATENT DOCUMENTS						
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FL						
FM						
FN						
FO						
FP						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)						
FR	Laurencin, C.T. et al., <i>Bioerodible Polyanhydrides for Antibiotic Drug Delivery: In Vivo Osteomyelitis Treatment in a Rat Model System</i> , Journal of Orthopaedic Research, Vol. 11, No. 2, pages 256-262, 1993.					
FS	Leong, K.W. et al., <i>Bioerodible Polyanhydrides as Drug-Carrier Matrices. I: Characterization, Degradation, and Release Characteristics</i> , J. Biomed. Mater. Res., Vol. 19, pages 941-955, 1985.					
FT	Lindholm, T.S. et al., <i>Functional Carriers for Bone Morphogenetic Proteins</i> , Annales Chirurgiae et Gynaecologiae, No. 82, pages 3-12, 1993.					
EXAMINER			DATE CONSIDERED			
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>						

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GL						
GM						
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OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

GR	Lovell, T.P. et al., <i>Augmentation of Spinal Fusion with Bone Morphogenetic Protein in Dogs</i> , Clinical Orthopaedics and Related Research, No. 243, pages 266-274, June, 1989.	
GS	Miki, Takashi et al., <i>Effect of Freeze-Dried Poly-L-Lactic Acid Discs Mixed with Bone Morphogenetic Protein on the Healing of Rat Skull Defects</i> , J. Oral. Maxillofac. Surg., No. 52, pages 387-391, 1994.	
GT	Miyamoto, Shimpei et al., <i>Evaluation of Polylactic Acid Homopolymers as Carriers for Bone Morphogenetic Protein</i> , Clinical Orthopaedics and Related Research, No. 278, pages 274-285, May, 1992.	

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U.S PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

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	HP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

HR	Miyamoto, Shimpei et al., <i>Polylactic Acid-Polyethylene Glycol Block Copolymer</i> , Clinical Orthopaedics and Related Research, No. 294, pages 333-343, September, 1993.	
HS	Miyamoto, S. et al., <i>Bone Induction and Bone Repair by Composites of Bone Morphogenetic Protein and Biodegradable Synthetic Polymers</i> , Annales Chirurgiae et Gynaecologiae, No. 82, pages 69-76, 1993.	
HT	Pinholt, Else Marie et al., <i>Bone Induction by Composites of Bioresorbable Carriers and Demineralized Bone in Rats: A Comparative Study of Fibrin-Collagen Paste, Fibrin Sealant, and Polyorthoester With Gentamicin</i> , J. Oral Maxillofac. Surg., 50:1300-1304, 1992.	

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INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			Applicant Dale R. Peterson et al.			
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U.S PATENT DOCUMENTS						
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IL						
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OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)						
IR	Pulapura S. et al., <i>Biomaterials Based on "Pseudo"-Poly(Amino Acids): A Study of Tyrosine Derived Polyiminocarbonates</i> , Polymer Preprints, Vol. 31, No. 1, pp. 233-234, April 1990.					
	IS	Rokkanen, Pentti U., <i>Absorable Materials in Orthopaedic Surgery</i> , Ann. Med., No. 23, pages 109-115, 1991.				
IT		Sidman, K.R. et al., <i>Biodegradable, Implantable Sustained Release Systems Based on Glutamic Acid Copolymers</i> , Journal of Membrane Science, Vol. 7, No. 3, pages 277-291, 1980.				
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FOREIGN PATENT DOCUMENTS

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JL						
JM						
JN						
JO						
JP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

JR	Sigma Chemical Company :Biochemicals Organic Compounds and Diagnostic Reagents, pages 1963-1965, (1996).		
JS	Storey, Robson F. et al., Novel Synthesis of (Carboxylic Acid)-Telechelic Poly(ϵ -Caprolactone), Abstracts of Papers of the American Chemical Society, 1996, V.211, March 24, P. 113-114.		
JT	Storey, Robson F. et al., New Epoxy-Terminated Oligoesters: Precursors to Totally Biodegradable Networks, Journal of Polymer Science: Part A: Polymer Chemistry, Vol. 31, pages 1825-1838, 1993.		

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KM						
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KO						
KP						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)						
KR	Stupp, Samuel I. et al., <i>Organoapatites: Materials for Artificial Bone. I. Synthesis and Microstructure</i> , Journal of Biomedical Materials Research, Vol. 26, 169-183, 1992.					
KS	Stupp, Samuel I. et al., <i>Organoapatites: Materials for Artificial Bone. II. Hardening Reactions and Properties</i> , Journal of Biomedical Materials Research, Vol. 27, 289-299, 1993.					
KT	Stupp, Samuel I. et al., <i>Organoapatites: Materials for Artificial Bone. III. Biological Testing</i> , Journal of Biomedical Materials Research, Vol. 27, pages 301-311, 1993.					
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LA						
LB						
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FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation
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LL						
LM						
LN						
LO						
LP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

LR	Wei, Guoxiong et al., <i>A Bioabsorbable Delivery System for Antibiotic Treatment of Osteomyelitis</i> , <i>J. Bone Joint Surg. [Br]</i> , Vol. 73-B, No. 2, pages 246-252, 1991.	
LS	Cerrai, et al., "Block copolymers from L-lactide and poly(ethylene glycol) through a non-catalyzed route", <i>Makromol. Chem. Rapid Commun.</i> , 14, pp. 529-538 (1993)	
LT		

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